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C 117/17  
28 October 2016  
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**REPORT ON THE STATUS OF CONVENTIONS AND OTHER  
MULTILATERAL INSTRUMENTS IN RESPECT OF WHICH  
THE ORGANIZATION PERFORMS FUNCTIONS**

**Note by the Secretary-General**

**SUMMARY**

|                             |  |
|-----------------------------|--|
| <i>Executive summary:</i>   | This document reports on the status, as of 28 October 2016, of treaties and amendments thereto deposited with IMO, in respect of which the Organization performs functions |
| <i>Strategic direction:</i> | 2  |
| <i>High-level action:</i>   | 2.0.1  |
| <i>Output:</i>              | No related provisions  |
| <i>Action to be taken:</i>  | Paragraph 30   |
| <i>Related documents:</i>   | C 116/17 and C 116/17/Add.1  |

**GENERAL INTRODUCTION**

1 This document reports on developments, since the 116th session of the Council, held in July 2016, concerning treaties and amendments thereto deposited with IMO, in respect of which the Organization performs functions. This information is provided in two sections:

- Section I reports on the entry into force of instruments and amendments thereto (paragraphs 4 to 14); and
- Section II reports on developments with regard to instruments and amendments thereto in respect of which the conditions for entry into force have not yet been fulfilled (paragraphs 15 to 28).

2 The annex to this document provides the list of instruments of acceptance, accession, ratification and denunciation received since the 116th session of the Council.

3 Comprehensive information on conventions and other multilateral instruments in respect of which the Organization performs depositary and other functions, with respective entry into force dates, is available on the IMO public website under *Status of Conventions* at the following link: <http://www.imo.org/en/About/Conventions/StatusOfConventions/Pages/Default.aspx>.

## **I ENTRY INTO FORCE OF INSTRUMENTS AND AMENDMENTS THERETO**

### **CONVENTIONS AND PROTOCOLS**

#### ***International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004***

4 With the deposit by Finland, on 8 September 2016, of an instrument of acceptance of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004, the entry-into-force requirements of the Convention were met and therefore, in accordance with article 18 thereof, the Convention will enter into force 12 months after the deposit by Finland, on **8 September 2017**.

### **AMENDMENTS TO CONVENTIONS, PROTOCOLS AND CODES**

#### **Amendments to TONNAGE 1969**

#### ***2013 Amendments to the International Convention on Tonnage Measurement of Ships, 1969 (A.1084(28))***

5 These amendments were adopted by the Assembly at its twenty-eighth session on 4 December 2013 in accordance with article 18(3)(b) of the Convention. The conditions for their entry into force were met on 28 February 2016 and these amendments will enter into force on **28 February 2017**.

**Instruments that will enter into force or take effect on 1 January 2017 are listed in paragraphs 6 to 13 below.**

### **INTERNATIONAL CODE FOR SHIPS OPERATING IN POLAR WATERS (POLAR CODE)**

#### **Amendments under SOLAS**

#### ***Adoption of the International Code for Ships Operating in Polar Waters (Polar Code) (MSC.385(94))***

6 The Maritime Safety Committee at its ninety-fourth session adopted, on 21 November 2014, the safety-related provisions of the Introduction and the whole of parts I-A and I-B of the Polar Code, by resolution MSC.385(94). At the time of its adoption, the Committee determined that the Code would take effect on 1 January 2017, upon the entry into force of the amendments to SOLAS 1974, adopted by resolution MSC.386(94) (see paragraph 7 below).

#### ***2014 amendments to SOLAS 1974 (new chapter XIV) (amendments to make use of the safety-related provisions of the Polar Code mandatory) (MSC.386(94))***

7 These amendments were adopted on 21 November 2014 by the Maritime Safety Committee at its ninety-fourth session, by resolution MSC.386(94). The conditions for the entry into force were met on 1 July 2016 and the amendments will enter into force on 1 January 2017.

## Amendments under MARPOL

### ***Adoption of the International Code for Ships Operating in Polar Waters (Polar Code) (MEPC.264(68))***

8 The Marine Environment Protection Committee at its sixty-eighth session adopted, on 15 May 2015, the environment-related provisions of the Introduction and the whole of parts II-A and II-B of the Polar Code, by resolution MEPC.264(68). At the time of its adoption, the Committee determined that the Code would take effect on 1 January 2017, upon the entry into force of the amendments to MARPOL Annexes I, II, IV and V, adopted by resolution MEPC.265(68) (see paragraph 9 below).

### ***2015 amendment to the annex of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (amendments to MARPOL Annexes I, II, IV and V to make the use of the environment-related provisions of the Polar Code mandatory) (MEPC.265(68))***

9 These amendments were adopted on 15 May 2015 by the Marine Environment Protection Committee at its sixty-eighth session, by resolution MEPC.265(68). The conditions for the entry into force were met on 1 July 2016 and the amendments will enter into force on 1 January 2017.

## OTHER MARPOL AMENDMENTS

### ***2015 amendment to the annex of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (amendments to MARPOL Annex I – regulation 12) (MEPC.266(68))***

10 These amendments were adopted on 15 May 2015 by the Marine Environment Protection Committee at its sixty-eighth session, by resolution MEPC.266(68). The conditions for the entry into force were met on 1 July 2016 and the amendments will enter into force on 1 January 2017.

## OTHER SOLAS AMENDMENTS

### ***Adoption of the International Code of Safety for Ships using Gases or other Low-flashpoint Fuels (IGF Code) (MSC.391(95)) and other SOLAS amendments***

11 The Maritime Safety Committee adopted on 11 June 2015, at its ninety-fifth session, the International Code of Safety for Ships using Gases or other Low-flashpoint Fuels (IGF Code), by resolution MSC.391(95). At the time of its adoption, the Committee determined that the Code would take effect on 1 January 2017, upon the entry into force of the amendments to SOLAS 1974, adopted by resolution MSC.392(95) (see paragraph 12.1 below).

12 The Maritime Safety Committee adopted on 11 June 2015, at its ninety-fifth session, the amendments in paragraphs 12.1 to 12.4 below. The conditions for the entry into force were met on 1 July 2016 and the amendments will enter into force on 1 January 2017:

- .1 ***2015 amendments to the International Convention for the Safety of Life at Sea, 1974 (chapters II-1, II-2 and appendix) (MSC.392(95));***

- .2 **2015 amendments to the International Maritime Solid Bulk Cargoes Code (IMSBC Code) resolution MSC.393(95)<sup>1</sup>;**
- .3 **2015 amendments to the Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974 (MSC.394(95)); and**
- .4 **2015 amendments to the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974 (MSC.395(95)).**

## **2015 STCW AMENDMENTS**

13 The Maritime Safety Committee adopted, at its ninety-fifth session in June 2015, the amendments in paragraphs 13.1 and 13.2 below. The conditions for the entry into force were met on 1 July 2016 and the amendments will enter into force on 1 January 2017:

- .1 **2015 amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978 (MSC.396(95)); and**
- .2 **2015 amendments to part A of the Seafarers' Training, Certification and Watchkeeping (STCW) Code (MSC.397(95)).**

## **SOLAS AMENDMENTS THAT ENTERED INTO FORCE ON 1 JULY 2016**

14 The amendments in paragraphs 14.1 to 14.2 below were adopted on 21 November 2014 by the Maritime Safety Committee at its ninety-fourth session. The conditions for the entry into force were met on 1 January 2016 and the amendments entered into force on 1 July 2016:

- .1 **2014 amendments to SOLAS 1974 (chapters II-2, VI and XI-1 and Appendix) (MSC.380(94)); and**
- .2 **2014 amendments to the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (2011 ESP Code) (MSC.381(94)).**

## **II DEVELOPMENTS WITH REGARD TO INSTRUMENTS IN RESPECT OF WHICH THE CONDITIONS FOR ENTRY INTO FORCE HAVE NOT YET BEEN FULFILLED**

### **A CONVENTIONS AND PROTOCOLS**

#### ***Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009***

15 As of 28 October 2016, there were five Contracting States to this Convention, representing approximately 20.34% of the gross tonnage of the world's merchant shipping and the combined maximum annual ship recycling volume of these States during the preceding 10 years amounts to 55,792<sup>2</sup>, i.e. 0.00002% of the merchant shipping tonnage of the same States.

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<sup>1</sup> Contracting Governments to SOLAS 1974 could apply the aforementioned amendments in whole or in part on a voluntary basis as from 1 January 2016.

<sup>2</sup> Recycling data provided by IHS Maritime & Trade and based on the volumes recycled between 2006 and 2015.

16 In accordance with its article 17, the Convention will enter into force 24 months after the date on which the following conditions have been fulfilled:

- .1 not less than 15 States have either signed it without reservation as to ratification, acceptance or approval, or have deposited the requisite instrument of ratification, acceptance, approval or accession with the Secretary-General in accordance with article 16;
- .2 the combined merchant fleets of the States mentioned in paragraph .1 above constitute not less than 40% of the gross tonnage of the world's merchant shipping; and
- .3 the combined maximum annual ship recycling volume of the States mentioned in paragraph .1 above during the preceding 10 years constitutes not less than 3% of the gross tonnage of the combined merchant shipping of the same States.

***Protocol of 2010 to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996***

17 As of 28 October 2016, there were still no Contracting States to this Protocol. This Protocol effectively supersedes the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 (1996 HNS Convention) which is not intended to enter into force. In accordance with resolution 3 of the International Conference on the Revision of the HNS Convention, Governments should therefore express their consent to be bound only by the 2010 Protocol, without any reference to the 1996 HNS Convention.

18 In accordance with its article 21, the Protocol will enter into force 18 months after the date on which the following conditions have been fulfilled:

- .1 at least 12 States, including four States each with not less than 2 million units of gross tonnage, have expressed their consent to be bound by it; and
- .2 the Secretary-General has received information in accordance with article 20, paragraphs 4 and 6, that those persons in such States who would be liable to contribute pursuant to article 18, paragraphs 1(a) and (c), of the Convention, as amended by this Protocol, have received during the preceding calendar year a total quantity of at least 40 million tonnes of cargo contributing to the general account.

***Cape Town Agreement of 2012 on the Implementation of the Provisions of the 1993 Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977***

19 As of 28 October 2016, there were seven Contracting States to the Agreement, representing approximately 4.03% of the gross tonnage of the world's merchant shipping with an aggregate number of fishing vessels of 24 m in length and over operating on the high seas equivalent to 884. This Agreement effectively updates and revises the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977, which is not intended to enter into force.

20 In accordance with its article 4, this Agreement will enter into force 12 months after the date on which not less than 22 States, the aggregate number of whose fishing vessels of 24 m in length and over operating on the high seas is not less than 3,600, have expressed their consent to be bound by it.

## **B AMENDMENTS TO CONVENTIONS AND PROTOCOLS**

### **2016 MARPOL AMENDMENTS**

21 The Marine Environment Protection Committee adopted on 28 October 2016, at its seventieth session, the amendments in paragraphs 21.1 to 21.3 below. At the time of the adoption, the Committee determined that the amendments shall be deemed to have been accepted on 1 September 2017 and shall enter into force on 1 March 2018 unless, prior to the former date, not less than one third of the Parties or Parties the combined merchant fleets of which constitute not less than 50% of the gross tonnage of the world's merchant fleet, have communicated to the Organization their objection to the amendments:

- .1 ***Amendments to the Annex of the International Convention for the Prevention of Pollution From Ships, 1973, as modified by the Protocol of 1978 relating thereto (Amendments to MARPOL Annex I – Appendix II – Form B of the Supplement to the International Oil Pollution Prevention Certificate) (MEPC.276(70));***
- .2 ***Amendments to the Annex of the International Convention for the Prevention of Pollution From Ships, 1973, as modified by the Protocol of 1978 relating thereto (Amendments to MARPOL Annex V – Substances that are Harmful to the Marine Environment (HME) and Form of Garbage Record Book) (MEPC.277(70));*** and
- .3 ***Amendments to the Annex of the Protocol of 1997 to amend the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (Amendments to MARPOL Annex VI – Data collection system for fuel oil consumption) (MEPC.278(70)).***

22 The Marine Environment Protection Committee adopted on 22 April 2016, at its sixty-ninth session, the amendments in paragraphs 22.1 to 22.4 below. At the time of the adoption, the Committee determined that the amendments shall be deemed to have been accepted on 1 March 2017 and shall enter into force on 1 September 2017 unless, prior to the former date, not less than one third of the Parties or Parties the combined merchant fleets of which constitute not less than 50% of the gross tonnage of the world's merchant fleet, have communicated to the Organization their objection to the amendments:

- .1 ***Amendments to the Annex of the International Convention for the Prevention of Pollution From Ships, 1973, as modified by the Protocol of 1978 relating thereto (Amendments to Annex II – Appendix I – Abbreviated legend of the revised GESAMP hazard evaluation procedure) (MEPC.270(69));***

- .2 ***Amendments to the Annex of the Protocol of 1997 to amend the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (Amendments to regulation 13 of MARPOL Annex VI – Record requirements for operational compliance with NO<sub>x</sub> Tier III emission control areas) (MEPC.271(69));***
- .3 ***Amendments to the Technical Code on Control of emission of nitrogen oxides from marine diesel engines (Testing of gas-fuelled and dual fuel engines) (MEPC.272(69)); and***
- .4 ***Amendments to the Annex of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (Amendments to MARPOL Annex IV – Amendments to regulations 1 and 11 concerning the Baltic Sea Special Area and to the appendix concerning the form of the International Sewage Pollution Prevention Certificate) (MEPC.274(69)).***

As of 28 October 2016, no objections to these amendments had been received.

#### **LL 1966**

##### ***2013 Amendments to the International Convention on Load Lines, 1966 (A.1082(28)) and 2013 Amendments to the International Convention on Load Lines, 1966 (A.1083(28))***

23 These amendments were adopted on 4 December 2013 by the Assembly at its twenty-eighth session, by resolutions A.1082(28) and A.1083(28). In accordance with article 29(2)(b) of the Convention, both sets of amendments shall enter into force on 28 February 2018, after their acceptance by all Contracting Governments to the Convention by 28 February 2017. A Contracting Government which does not communicate its acceptance or rejection of the amendments to the Organization by 28 February 2017 shall be deemed to have accepted the amendments. In accordance with article 29(2)(c) of the Convention, the proposed amendments shall be deemed to be rejected if they are not accepted by 28 February 2017. As of 28 October 2016, no communication of acceptance or rejection of the amendments had been received.

##### ***1995 amendments to the International Convention on Load Lines, 1966 (A.784(19))***

24 These amendments were adopted on 23 November 1995 by the Assembly at its nineteenth session, by resolution A.784(19). The amendments will enter into force 12 months after the date on which they are accepted by two thirds of the Contracting Governments. The number of Contracting Governments to the Convention is currently 161. Thus, the number of acceptances necessary for entry into force is 107. As of 28 October 2016, seven instruments of acceptance had been received.

#### **LC PROT 1996**

##### ***2013 amendments to the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (London Protocol) (LP.4(8))***

25 These amendments were adopted by the Contracting Parties to the London Protocol on 18 October 2013, by resolution LP.4(8). At the time of their adoption, the Contracting Parties determined that the amendments will enter into force 60 days after two thirds of the Contracting Parties have deposited an instrument of acceptance of the amendment. The number of

Contracting Governments to the Convention is currently 47. Thus, the number of acceptances necessary for entry into force is 31. As of 28 October 2016, one instrument of acceptance had been received.

***2009 amendments to the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (London Protocol) (LP.3(4))***

26 These amendments were adopted by the Contracting Parties to the London Protocol on 30 October 2009, by resolution LP.3(4). At the time of their adoption, the Contracting Parties determined that the amendments will enter into force 60 days after two thirds of the Contracting Parties have deposited an instrument of acceptance of the amendment. The number of Contracting Governments to the Convention is currently 47. Thus, the number of acceptances necessary for entry into force is 31. As of 28 October 2016, three instruments of acceptance had been received.

**IMSO C 1976**

***2008 amendments to the Convention on the International Mobile Satellite Organization (IMSO Convention)***

27 These amendments were adopted on 3 October 2008 by the IMSO Assembly, at its twentieth session, in accordance with article 18 of the Convention. The IMSO Assembly decided on a provisional application of the amendments, with effect from 6 October 2008, pending their formal entry into force. The amendments will enter into force 120 days after notices of acceptance have been received from two thirds of those States which, at the time of adoption by the Assembly, were Parties to the Convention. The number of Parties to the Convention at the time of adoption of the amendments was 92. Thus, the number of acceptances necessary for entry into force is 61. As of 28 October 2016, 19 States have explicitly accepted the amendments.

**SOLAS PROT 1988**

***2006 amendments to the annex to the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974 (MSC.204(81))***

28 These amendments were adopted on 18 May 2006 by the Maritime Safety Committee at its eighty-first session, by resolution MSC.204(81). In accordance with article VIII(b)(iv) of the International Convention for the Safety of Life at Sea, 1974, and article VI(b) of the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974, the amendments shall be deemed to have been accepted on the date on which they have been accepted by two thirds of the Parties to the Protocol and shall enter into force six months after that date. The number of Contracting Governments to the Protocol is currently 109. The number of acceptances necessary for entry into force is, therefore, 66. As of 28 October 2016, two instruments of acceptance had been received.

**ACTION TAKEN BY THE SECRETARY-GENERAL**

29 Pursuant to the requests and authorizations of the Council and the Assembly, the Secretary-General continued, during the period under review, to communicate with Governments concerned, inviting them to take early action to consider, with a view to acceptance, approval, ratification or accession, any IMO treaty instruments, or amendments thereto, they have not accepted. In this context, Governments were made aware of the Organization's willingness and readiness to provide appropriate advice or assistance in connection with the acceptance, ratification, etc. of respective treaty instruments and their



implementation thereafter. The Secretary-General will maintain these efforts in order to ensure the widest possible acceptance and the most effective implementation of all instruments in respect of which IMO performs depositary and other functions.

**ACTION REQUESTED OF THE COUNCIL**

30 The Council is invited to take note of the information provided in this document and to comment or decide as may be deemed appropriate.

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## ANNEX

## List of instruments received from 27 June to 28 October 2016

## July

|         |                          |            |           |                  |
|---------|--------------------------|------------|-----------|------------------|
| Germany | Cape Town Agreement 2012 | Accession  | 05-Jul-16 | Not yet in force |
| Myanmar | CLC PROT 1992            | Accession  | 12-Jul-16 | 12-Jul-17        |
| Finland | IMSO C 2008 amendments   | Acceptance | 20-Jul-16 | Not yet in force |

## August

|              |                          |              |           |                  |
|--------------|--------------------------|--------------|-----------|------------------|
| Guatemala    | CLC PROT 1992            | Accession    | 02-Aug-16 | 02-Aug-17        |
| South Africa | Cape Town Agreement 2012 | Ratification | 19-Aug-16 | Not yet in force |

## September

|             |                    |              |           |                  |
|-------------|--------------------|--------------|-----------|------------------|
| Finland     | BWM 2004           | Acceptance   | 08-Sep-16 | 08-Sep-17        |
| New Zealand | LLMC 1976          | Denunciation | 12-Sep-16 | 01-Oct-17        |
| Jordan      | NAIROBI WRC 2007   | Accession    | 16-Sep-16 | 16-Dec-16        |
| France      | PAL PROT 2002      | Accession    | 19-Sep-16 | 19-Dec-16        |
| Panama      | HONG KONG SRC 2009 | Accession    | 19-Sep-16 | Not yet in force |
| Romania     | NAIROBI WRC 2007   | Accession    | 20-Sep-16 | 20-Dec-16        |

## October

|               |                             |            |           |           |
|---------------|-----------------------------|------------|-----------|-----------|
| Chile         | AFS 2001                    | Accession  | 06-Oct-16 | 06-Jan-17 |
| Togo          | INTERVENTION 1969           | Accession  | 10-Oct-16 | 08-Jan-17 |
| Togo          | INTERVENTION PROT 1973      | Accession  | 10-Oct-16 | 08-Jan-17 |
| Panama        | BWM 2004                    | Accession  | 19-Oct-16 | 08-Sep-17 |
| Guinea-Bissau | SOLAS 1974                  | Accession  | 24-Oct-16 | 24-Jan-17 |
| Guinea-Bissau | MARPOL 73/78 (Annexes I/II) | Accession  | 24-Oct-16 | 24-Jan-17 |
| Guinea-Bissau | MARPOL 73/78 (Annex III)    | Acceptance | 24-Oct-16 | 24-Jan-17 |
| Guinea-Bissau | MARPOL 73/78 (Annex IV)     | Acceptance | 24-Oct-16 | 24-Jan-17 |
| Guinea-Bissau | MARPOL 73/78 (Annex V)      | Acceptance | 24-Oct-16 | 24-Jan-17 |
| Guinea-Bissau | STCW 1978                   | Accession  | 24-Oct-16 | 24-Jan-17 |
| Guinea-Bissau | SAR 1979                    | Accession  | 24-Oct-16 | 23-Nov-16 |
| Finland       | NAIROBI WRC 2007            | Accession  | 27-Oct-16 | 27-Jan-17 |